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Canadian Suing CIA Employee for Slander

Heine: Spy, Liar or Hero?

By JERRY CARTLEDGE

An Estonian-born Canadian citizen suing a Central Intelligence Agency employee for slander in Federal Court in Baltimore is, by the statement of his lawyer, "either the most cunning spy and consummate liar of all time or the most maligned hero of our age."

The case has attracted the attention of the national press and news services since it involves more than one deep constitutional question.

CIA has maintained throughout the more than two-year-old case that its agent, Juri Raus, another Estonian emigre, cannot testify on the background of his charge that Erik Heine is a member of the Russian secret police because it would endanger national security.

THUS, HEINE'S attorneys maintain, he may be deprived of his privilege of redress through the courts because of a Government agency ruling that forbids Heine of obtaining information concerning the validity of evidence against him.

The \$110,000 slander suit was filed in Baltimore Nov. 6, 1964, charging that the CIA operative had on three occasions—twice in Maryland—falsely accused Heine in public of being a member of the K.F.B., Soviet secret police.

Sworn affidavits by two members of the Legion of Estonian Liberation claim that Raus, a resident of Hyattsville, had made the charge against Heine at a meeting of the group in New York Nov. 9, 1963.

It is charged that Raus repeated the charge again at an Estonian group picnic July 4, 1964, at Laurel Acres, Pasadena, and at a reception for Estonian Col. Alfons Rebane in Estonian House, 1932 Belair Rd., Baltimore, Sept. 4, 1964.

RAUS ALLEGEDLY supported the charge against Heine with a statement that the FBI had supplied him with the information.

The FBI's involvement was later denied in a letter to Heine's Canadian lawyer from FBI Director J. Edgar Hoover, in which he stated:

"You may be assured this bureau has not released any information which could be the basis for the alleged charges against him (Heine)."

In February, 1965, Raus' two top-flight Washington attorneys, Paul Connolly and E. Barrett Prettyman Jr., appeared before Chief Judge Roszel C. Thomsen, to take a 924-page deposition from Heine—the longest ever taken in the State of Maryland.

Also on hand were Heine's Washington attorneys, Robert J. Stanford and Ernest C. Raskauskas, who subsequently filed an "interrogatory" asking about 1,000 questions concerning the Raus charges against Heine.

THE CIA answered with an affidavit from Richard Helms, deputy CIA director, that Raus was in possession of information from the agency.

When he spoke concerning Heine on "such occasions," the affidavit stated he was acting within the scope and force of his employment by the agency on behalf of the United States. The affidavit was filed along with a motion for summary judgment.

The motion by the defense is based on the contention Raus was a Government employee making a statement in the course of his employment.

Connolly and Prettyman cited a 1959 Supreme Court ruling in *Barr vs. Mateo* holding

a Government employee making any statement in the course of his employment is immune from suit.

Heine's lawyers countered with the charge that Raus was not necessarily a bona fide employee of the CIA and may have been acting only in the capacity of "a contact."

ON APRIL 14 a second affidavit by Helm was presented to the court.

In it Helm stated that Raus had been forbidden to make any more statements to the court about his participation in the CIA or the Heine matter, in line with a secrecy agreement between Raus and the CIA.

Attached was a copy of the regulations respecting secrecy and guarding of CIA information.

Contending that testimony by Raus would be contrary to the security of the U. S., Helm wrote:

"The CIA has employed the defendant (Raus) from time to time, concurrently with his duties on the Bureau of Public Roads, to carry out specific assignments on behalf of the agency. The defendant was so employed on the occasions mentioned in the complaint."

A THIRD affidavit filed by Helms reaffirmed Raus' employment with the CIA and invoked his secrecy. It contained another motion for a summary judgment based on Raus' alleged immunity because of his Government job.

In answer, Heine's lawyers contended that the CIA was not acting nor had it acted legally with regard to instructing Raus to make the charges against the Canadian.

They cited the U. S. Code (Title 50, Section 403) govern-

ing the powers and duties of the CIA granted "provided that agency shall have no police, subpoena, law-enforcement or internal-security functions."

THE MATTER of Heine's alleged association with the Russian secret police in this country was rightfully the province of the FBI, they said, since it was basically an internal security matter—outside the jurisdiction of the Central Intelligence Agency.

On Friday, Judge Thomsen who, according to Raskauskas "have given extremely careful consideration to the details of the case because of the great issues involved," said he will hear the motion for summary judgment probably the last week of August.

Heine, in the meantime, will return to his job as foreman of a woodworking plant in Toronto, near his home in Rexdale, Ontario. His work with the Estonian liberation movement has been seriously curtailed, he claims.

IN AN OFFICIAL statement, Heine claims to have been imprisoned three times by the Soviet Union. He has been beaten, tortured and kept in solitary confinement, he says, but has never abandoned his fight against Communism.

Heine, subject of a book (translated from Estonian), "Rain for the River," accounting his exploits as a freedom fighter in his native land, was first arrested as a youth in his hometown, Tartu, Estonia.

In the summer of 1940, after the Soviets had occupied Estonia, Heine's biographers say, he organized an anti-Communist movement.

When the Red flag was flown over Tartu's City Hall the first time, Heine and other young men reportedly made an unsuccessful attempt to tear it down. They escaped but were the object of an intensive search for many months, the story continues.

WHEN HEINE'S parents, Oscar and Margareta Heine, were arrested in 1941, their

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and threatened with death by the Reds, the statement claims the youthful resistance hero surrendered and was sent into solitary confinement in Tartu.

In April, 1941, through the influence of his father, one of Northern Europe's largest piano manufacturers, and his German maternal grandmother, he was interchanged as a political prisoner with German authorities, he says.

After war broke out between Germany and the USSR, Heine reportedly served with the Estonian unit of the German army until his capture in August, 1944, by the Red army. In December, 1944, he says he was officially declared a traitor to the USSR and sent to Kisela, a camp for political prisoners.

In March, 1945, Heine says, he escaped, but was later recaptured in the suburbs of Leningrad. He was transferred to an Estonian prison in January, 1946, he recalls, but again escaped in June, 1946, and joined the guerilla forces of his country.

HE WAS captured by the Russians in 1950 and sentenced to death, he says, but the sentence was eventually commuted to 25 years in a Russian prison. In November, 1956, under a post-war agreement between Russia and Germany, he was repatriated to the Germans.

In 1957 he learned that his mother was alive and living in Canada. He joined her there late in the year. He met Elsa Varres, a native of his hometown, in Canada in 1957, and they were married that year. He became a Canadian citizen in August, 1964.

While in Canada, he produced, at his own expense, an anti-Communist, 2 1/4-hour film, "Creators of Legend," which he has taken on tour in the United States and Canada. It depicts guerilla activities against the Soviet Union in Estonia and features amateur actors of Estonian birth.

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